

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JIMMIE STRINGER,

No. C 07-05516 SI

Plaintiff,

ORDER VACATING ORAL ARGUMENT

v.

VANEIDA WHITE,

Defendant.

The motion by the United States to substitute the government as the defendant and to dismiss plaintiff's complaint for failure to exhaust his administrative remedies is currently scheduled for hearing on Friday, January 25, 2008. Plaintiff has notified the Court that he is unable to appear at the hearing because he cannot afford to travel to San Francisco. It is not clear that plaintiff would be available to attend any future hearing dates. The January 25, 2008 hearing is therefore vacated, and the Court will resolve the matter without oral argument.

In lieu of the hearing, the Court asks the United States to prepare a short supplemental brief on the question of whether plaintiff's ADA claim or claims, *see* Complaint at ¶ 6, page 6, are embraced by the motion to dismiss and whether the United States is the proper defendant to these potential claims.

IT IS SO ORDERED.

Dated: January 24, 2008



SUSAN ILLSTON
United States District Judge

United States District Court
For the Northern District of California

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